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JUSTICE AND COMMON SENSE!

An Ellis County Homesteader Who
Has Swept the Cobwebs From
the Sod Shanty on the
Claim 33 Years Ago.

MELANCHOLY DAYS.

The melancholy days descended swiftly upon the House of Technicalities at the October term of the Ellis County Court when Judge Ruppenthal ruthlessly brushed aside that ancient and honorable obstacle to protect a human right against a property right by putting a heart throb into a decision. The case being tried was a foreclosure suit in which an ignorant Austrian was about to lose eight hundred acres of land because of a mortgage due and unpaid. Before the term of court convened at which the suit was brought the

Austrian had plowed and planted four hundred acres of wheat and the wheat had come up and was in good condition and gave promise of a "bumper" crop. Under the law the Austrian had only six months' time in which to redeem the farm under the foreclosure, and the six months would expire before the crop could be harvested in 1914. It was the courts decision that it seemed a cruel injustice that along with the land the Austrian should lose also the crop which he had sown in the fall. That he should be punished for tilling the land and that the creditor should get the wheat crop, particularly as the land itself was of sufficient value to pay the debt.

"I am not sure what the law is on this subject," the court remarked blandly, while the lawyers gasped in astonishment, "but it is my decree that if the land is not redeemed the foreclosure sale shall be made subject to the right of the debtor to have the entire wheat crop and harvest it in the season of 1914. I do not believe any such dog in the manger policy should be encouraged as permitting the owner of this land to say that he can't put out a wheat crop nobody else shall. I am not sure of the law in the premises, but I will take a chance. And it is so entered."

Order, order, please in the honorable district court of Ellis county. Gentlemen desiring to retire to their storm caves now will be permitted to do so.

The above clipping taken from the Kansas City Star, purported to be a part of the three column Hot Air article for the purpose of boosting the political aspirations of some one character (Hon. J. C. Ruppenthal) to some fat job, or a 3rd term, all at the expense of the poor ignorant tax payers of the 23rd judicial district; but we are willing to concede Ruppenthal a good judge, but do not concede that it is any reason why we all may be expected to sit down and close our ears and mouths to all the hot air noncombustible flim flam that the columns of the eastern papers have been dosing up year after year, not excepting Governor Hodges' private secretary column reports on Kansas or J. C. Ruppenthal's "Common Sense" in the Star, all for the purpose of future political fencing, and all at the expense of the poor taxpayer of western Kansas.

Now, the above copied article would have the reader believe that some English lord of ill gotten gains seeking to devour more, had foreclosed on the poor ignorant Russian's home and four hundred acres of wheat and all "saved by a heart throb" being put into a decision. But in the case of "Melancholy Days" where the court so ruthlessly brushed aside an ancient and honorable obstacle to report a human right (the poor ignorant Russian) against a property right (who was a poor ignorant born American citizen) who swept the cobwebs from the sod shanty on the homestead in Ellis county thirty-three years ago, and to protect the rights of any future political aspirations this poor ignorant pioneer citizen of thirty-three years feels justified in giving both sides of this broad daylight holdup. As the columns of the Star of Sunday, November 23rd, (would infer) the poor ignorant American born citizen (C. W. Thayer the mortgagee) was born in Highland county, Ohio, March 1st, 1854, moved to Taylor county, Iowa, in 1857, moved to Holy county, Mo., in 1876, and was married in Holt county, February 10, 1877, to Miss Eliza Loudon.

Mr. and Mrs. Thayer spent their honeymoon overland to Ellis county accompanied by Mr. Thayer's mother and two sisters. On May 21, 1877, they landed in Hays City with one good horse, without a dollar in the world and Thayer was in debt just one dollar to his sister, he having borrowed the last dollar from his sister while on the Saline river near Lincoln Center, Kansas. In August of the same year he bet Uncle Sam \$16.00 against 160 acres that he could live there five years without starving, and in August the same year he took a homestead on the Saline river 7 miles from his nearest neighbor, and all who know C. W. Thayer know any citizen who has ever lived in acquaintance distance of him, let it be one mile or thirty, was his neighbor, and as thousands have done he used cow chips for fuel, picked bones and sold them to get flour and coffee, and during those early days Thayer had his mother and two sisters dependent upon him, a fact corroborated by the Ellis county commissioners whereby as they were compelled to assist Thayer to the amount of \$30.00 in caring for his aged mother, and the truth of this is substantiated by the records of the county treasurer Joe Schafer while county treasurer of Ellis county prior to Thayer's leaving Kansas to make his home in Oregon in 1909. He called on the treasurer (Joe Schafer) and told him the circumstances of the \$30.00 and (long forgotten by the officials) said he owed the money to the county, and no longer needed it himself and paid it saying that it might be needed again some time for some poor needy homesteader, the writer now holds in his hand (as the authority) a \$30.00 receipt signed Joe Schafer, treasurer, Ellis county, and the Ellis county paper of this week will contain in article on this subject.

Those desiring to return to their storm caves will now be permitted to

do so; Caleb turn on the lights in the closet.

In 1898 the mortgage company took his land; in 1899 he bought another farm; in 1909 he sold this farm on time to the "poor ignorant Austrian."

With a family of eight in 1909, they moved to Oregon and bought land on time expecting to pay for it out of the proceeds received from the Ellis county farm. In the face of the last three years' adversities this farm produced a little over 10,000 bushels of grain for the Austrian, also furnished him 450 acres of well fenced grass land with excellent barn and lots; now the grass lands today are valued as highly or more highly than the tilled soil, and this being the case it made the productions of this farm equal to 20,000 bushels of grain to the poor "ignorant Austrian;" the world goes out to him in sympathy for not being able to make his payments in full through these three years of failure, high priced feed, and the notorious horse disease, but when he would not pay what he could pay then the only thing for C. W. Thayer to do was to lose his home in Oregon, return to Ellis county and protect his rights through the courts for the home he had worked thirty-three years for and turned over to the mortgagee five years ago, and who had been amply rewarded for his time and money of five years spent on the farm and everything Thayer asked the court for was one-fourth rent of the 1914 crop and not the whole of crop 400 acres, and we join hands in believing that Thayer was just in his claim and entitled to his one-fourth rent.

Let us now take a view of case No. 2 in this article and cases No. 1260-138-39 in the district court of Trego county in which the writer was a creditor and defendant.

Judge Ruppenthal in the Kansas City Star, Sunday, November 23: "He has found, too, that if in order to expedite justice and save costs and accommodate litigants, he opens his courts in the various counties at times and places not by the statutes designated and provided, his district will not all crumple up."

We believe the court was made to serve the people, and not the people to serve the court. Now we find it is much more convenient for this honorable court to call and adjourn as it suits his personal convenience, and not so convenient for attorneys and clients to receive a wire at noonday that they must be in court tomorrow morning if heard during this term; and in many cases has been found utterly impossible both for attorney and client, as in the above case mentioned; in the court of Trego county, the case being called while the defendant was in the state of Colorado and knew nothing of the call until after his return four days; this is another case of a poor "ignorant Russian" living a few miles north of Wa-Keeney, Kansas, getting discouraged (as it would seem) skipped out to Canada in the fall of 1912, leaving his poor Russian wife and seven children (the eldest being 11 years old) and his personal belongings for the poor woman and children to scrap it out with his or their creditors. Herman Long, attorney, brought suit for C. L. Hubbard and some other creditors and mailed a summons to the writer asking him to sign and accept service in that way to avoid any unnecessary expense which I signed and mailed to him by return mail.

I believe there is too little judicial sense in our entire judicial system and those least able to bear the burdens are the sufferers. There isn't a week goes by that I don't get letters from some of the people of my district who complain of the failure to get justice, and they don't understand it. These cases are especially numerous and especially pathetic among the very poor and the very ignorant and among women and children and women with families dependent upon them. Judge Ruppenthal in Kansas City Star, Sunday, November 23.

Now will some one please explain where there is a heart throb put into the decision of this case of a poor "ignorant Austrian or Russian woman and her seven children," the personal property disposed of according to the journal entry, in the clerk's office, amount to \$152.88. The courts and receivers costs in the case by the

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A. S. TREGER JEWELER

WA-KEENEY, KANSAS

journal entry amounted to \$152.88. These gentlemen who retired to their storm caves, when permission was given by the court, may now come forward and be seated, for at least a few minutes, in the front row.

Bailiff turn on the lights now in the court room.

On December 4th, 1912, a public sale was made of all personal property horses, cattle, vehicles, machinery, tools and household goods amounting to the aforementioned sum, except two horses and two cows, which Herman Long, attorney for Hubbard and others, permitted Mrs. Sauer to move to her relatives on the Smoky Hill river, (Frank and Ferdinand Sauer) saying she could have them if the balance paid out; Henry Myers of Wa-Keeney gave the poor woman \$80.00 cash for the two cows, but later Herman Long, attorney, proceeded to take the set-off, two horses and two cows, were also taken, the horses were sold and the cows resold, and added to the proceeds for the creditors.

There is not one word in the journal entry in the clerk's office in the court house of Wa-Keeney, where there is any provision made for this poor woman and her children, not even the proceeds from the household goods are mentioned in the Journal, it is true she had some money, the cow money received from Myers, but after she had bought clothes and shoes what did she have left towards getting her transportation for herself and seven children to their father in Canada. Now if there is any heart throb put into this decision or court rulings they certainly would not deafen a snare drum.

Henry Myers was given \$8.00 and a few cents, only, out of his \$80.00 invested in the cows that were taken and resold; the writer received \$87.50 bought at sale in machinery which was mortgaged to the writer on note and mortgage signed by the poor "ignorant Russian" and his wife. And the writer also bought the horse, Frank, which was also in the same mortgage with the machinery. The court then ruled that the writer should have the \$87.50 in machinery and then ruled that the \$120.00 note, given for the horse, Frank, as follows:

It is further found by the court that the defendant W. A. Eppler has purchased from the defendant Ludwika Sauer property struck off to him at the sale for the sum of \$87.50 and that the defendants Fred Sauer and Ludwika Sauer are entitled to such credit upon any claim which said Eppler may have against them or either

of them, it is further ordered by the court that the defendant W. A. Eppler be and he is hereby barred from having or claiming any right or title or interest in or lien upon any of the money or notes in the hands of the receivers or in the hands of the garnishee, and all parties to this action are hereby barred from any right or interest in or lien upon any such property or notes other than such rights interest or lien as are hereby specifically given to them. It is further found ordered and decreed by the court that the defendant W. J. Skelton has a lien upon said bay horse, Frank, and upon the note for \$120.00, given for said horse by the defendant W. A. Eppler prior and superior to any claim or lien of the said defendant W. A. Eppler upon any of said horses described in plaintiff Hubbard's petition and mortgage, in case 1238 and the defendant W. J. Skelton takes said note for \$120.00 free from any set off, or counterclaim with the defendant, Eppler may have or claim against the defendants Fred Sauer or Ludwika Sauer or either of them.

J. C. RUPPENTHAL, Judge.
(The above is a copy of the last paragraph of the Journal Entry in Cases No. 1238-1239-1260-1261.)
W. J. WILLIAMS,
Clerk.

Now why is Eppler recognized at all, for the \$87.50 and then the only barred creditor on this entry. The writer has pre-empted once and homesteaded 4 times in the state of Kansas, but the readers know too much of my biography already, so I will close.

Yours very respectfully,
One of the sore creditors,
W. A. EPPLER,
And the Bull Dogs.
Ellis and Wa-Keeney, Kan., Dec. 9.

Weather Report

Maximum and minimum temperature according to the government thermometer at Wa-Keeney for the week ending Wednesday noon.

	MAX.	MIN.
Thursday.....	49.....	47
Friday.....	48.....	40
Saturday.....	42.....	34
Sunday.....	58.....	23
Monday.....	38.....	23
Tuesday.....	44.....	24
Wednesday.....	45.....	27

Nine days of dark, damp and duckish weather ended with a clear sunset Saturday evening. Some rain fell every day of the nine, the total being 5.70, exclusive of the .23 which came in the thunder shower three weeks ago. Most of this rainfall was absorbed by the soil but there was a considerable runoff on Friday, the 5th, on which day the precipitation was 2.68 inches. There was no snow and from Sunday morning to this Wednesday noon the weather has been bright, mild and calm.

NOTICE.

The annual meeting of the stockholders of the Collier State Bank will be held at the bank in Collier, Kan., on Friday, January 2nd, at 10 o'clock a. m.

All stockholders requested to be present.

JOHN J. HARRISON,
Cashier.

Notice of Annual Meeting of Stockholders of the Ogallah State Bank.

The regular annual meeting of the stockholders of the Ogallah State bank will be held at the bank in Ogallah, Kans., on Wednesday, January 7, 1914, at 2 p. m.

This meeting is for the purpose of electing a board of directors and transacting such other business as may come before them.

All stockholders of this bank are earnestly requested to be present.

ROY W. BLAKELY,
CASHIER.

Notice to Automobile Owners and Good Roads Boosters

There will be a meeting at the court house in Wa-Keeney, Kan., on Tuesday, December 16, 1913, for the purpose of organizing a Trego County Automobile association which will affiliate with the Kansas State Automobile association and the American Automobile association.

Every automobile owner and good roads booster are especially invited to attend this meeting and join the association.

A nation-wide and state-wide speaker and good roads booster will be present and address the meeting.